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In re Application of
Fuhwei Lwo
Application No. 10/783,002
Filed: February 20, 2004
Attorney Docket No. **RSW920030291US1**

ON PETITION

This is a decision on the petition filed April 9, 2008 under 37 CFR 1.137(b),¹ to revive the above-identified application.

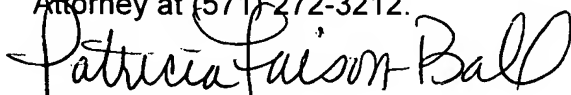
The petition is **GRANTED**.

This application became abandoned July 18, 2007 for failure to timely reply to the non-Final Office Action mailed April 17, 2007 and which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed February 6, 2008. A petition filed March 26, 2008 under 37 CFR 1.181 was dismissed in a decision mailed March 26, 2008 because while petitioner argued non-receipt of the office action, petitioner had not proven non-receipt.

Comes now petitioner with the instant petition to revive using the response to the non-Final Office Action filed March 6, 2008.

This matter is being referred to Technology Center 2191 for appropriate treatment on the amendment filed March 6, 2008.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).